

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MARIO LAMONT HARRIS,

10 Plaintiff,

11 CASE NO. C18-0861-RSM-MAT

12 v.

13 KING COUNTY POLICY, et al.,

14 Defendants.

15 ORDER RE: PENDING MOTION

16 Plaintiff proceeds pro se and *in forma pauperis* in this civil rights matter pursuant to 42
17 U.S.C. § 1983. He recently filed a Motion to Direct Issuance of Subpoena for a Copy of the
18 Judge's Order Placing Me on Phone Deadlock. (Dkt. 8.) Having considered that motion, the Court
19 finds and concludes as follows:

20 (1) Plaintiff's motion for issuance of a subpoena (Dkt. 8) is DENIED. The request for
21 a subpoena is premature and appears unnecessary. The Court will issue an Order regarding pretrial
22 preparations setting relevant pretrial scheduling dates, including a deadline for the completion of
23 discovery, following the receipt of an answer to plaintiff's complaint from defendants. Plaintiff
will be entitled to discovery of "any nonprivileged matter that is relevant to any party's claim or
defense" or "reasonably calculated to lead to the discovery of admissible evidence." Fed. R. Civ.

ORDER

PAGE - 1

1 P. 26(b)(1). He may request any documents relating to his phone privileges in a discovery request
2 to defendants. *See* Fed. R. Civ. P. 26(b)(2)(C)(i) (discovery may be limited because it “can be
3 obtained from some other source that is more convenient, less burdensome, or less expensive.”)

4 Should a subpoena on a third party prove necessary, plaintiff would be required to comply
5 with all applicable rules and requirements. *See, e.g.*, Fed. R. Civ. P. 45(a)(1)-(4) (the party
6 commanding production must request a subpoena from the clerk, complete it before service, and
7 give all parties notice prior to service). Also, while a party proceeding IFP may be entitled to
8 obtain service of a subpoena pursuant to 28 U.S.C. § 1915(d), that party still remains responsible,
9 despite his or her IFP status, to pay all fees and costs associated with the subpoena. *Tedder v.*
10 *Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989). *See also United States v. Columbia Broadcasting*
11 *System, Inc.*, 666 F.2d 364, 368-69 (9th Cir. 1982) (court may award costs of compliance with
12 subpoena to non-party).

13 (2) The Clerk is directed to send a copy of this Order to the parties and to the Honorable
14 Ricardo S. Martinez.

15 DATED this 11th day of July, 2018.



Mary Alice Theiler
United States Magistrate Judge